

SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality, Solid and Hazardous Waste Division (DEQ) and Little America Hotels & Resorts, Inc., enter into this Settlement Agreement to fully and finally resolve without litigation the violations alleged in Notice of Violation No. 5572-15, dated May 13, 2015. Little America Hotels & Resorts, Inc., is the owner and operator of the aboveground and underground storage tanks (AUSTs) located at the Little America Truck Stop. This AUST facility is registered with the DEQ as facility 0-003804. The Notice of Violation alleges that Little America Hotels & Resorts, Inc., failed to properly monitor pressurized underground piping. This act is a violation of Wyoming Water Quality Rules and Regulations (WWQRR), Chapter 17.

W.S. 35-11-901(a) (ii) authorizes the DEQ to negotiate a stipulated settlement, including payment of a penalty, in lieu of litigation. To that end, Little America Hotels & Resorts, Inc., and the DEQ hereby stipulate and agree as follows:

1. The DEQ is responsible for enforcing the Storage Tank Act of 2007 and WWQRR, Chapter 17.
2. Little America Hotels & Resorts, Inc., committed the following violation of WWQRR, Chapter 17:

Count 1: Failure to Properly Monitor Pressurized Underground Piping: [WWQRR, Chapter 17, Section 14(g)(i)(B)]. As the operator of the UST/AST system located at Little America Truck Stop, Little America Hotels & Resorts, Inc., violated WWQRR, Chapter 17, Section 14(g)(i)(B), by having a sump sensor that was improperly placed, thus negating the ability of the sensor to detect a leak of 3 gallons per hour.

3. The total penalty for the cited violation shall be one thousand dollars (\$1,000.00). Little America Hotels & Resorts, Inc., agrees to pay a total of one thousand dollars (\$1,000.00) to the DEQ as a stipulated penalty for the cited violations. Payment of one thousand dollars (\$1,000.00) shall be made and returned with this Settlement Agreement. Payment shall be by check made payable to the Wyoming Department of Environmental Quality and addressed to the Wyoming Department of Environmental Quality, Attention: Oma Gilbreth, Herschler Building, 4th Floor West Wing, 122 W. 25th Street, Cheyenne, WY 82002.
4. Little America Hotels & Resorts, Inc.'s, full compliance with the terms of this Settlement Agreement shall constitute satisfaction for all claims by the DEQ against Little America Hotels & Resorts, Inc., based on the violations alleged in Notice of Violation Docket Number 5572-15. Contingent upon Little America Hotels & Resorts, Inc.'s, compliance with the terms of this Settlement Agreement, the DEQ will refrain from taking further enforcement action against Little America Hotels & Resorts, Inc., for this particular violation.
5. Little America Hotels & Resorts, Inc., waives any statute of limitations that may apply to an enforcement action by the DEQ involving the specific matters described in Notice of Violation Docket Number 5572-15 in the event that Little America Hotels & Resorts, Inc., fails to fulfill its obligations under this Settlement Agreement.
6. This Settlement Agreement shall be admissible by either party without objection by the other party in any subsequent action between these parties.
7. Each party shall bear its own attorney fees and costs, if any, incurred through the date this Settlement Agreement is signed by both parties.
8. This Settlement Agreement is binding upon Little America Hotels & Resorts, Inc., and all its successors and assigns and upon the DEQ.
9. Nothing in this Settlement Agreement supersedes any provision found in any Wyoming state law, or any regulation issued by the DEQ, or any federal law or regulation.
10. This Agreement may not be amended except by a written order signed by both parties.

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11. The persons signing this Settlement Agreement certify that they are duly authorized to bind their respective parties to this Settlement Agreement.

FOR LITTLE AMERICA HOTELS & RESORTS, INC.:


Signature: 
Name: Shawn Lewis for LAH

Date 9/20/2015

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:


Todd Parfitt
Director

Date 9/17/15


Luke Esch
Administrator
Solid and Hazardous Waste Division

Date 9-16-15

check #88054988
Grand America